

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**16 CR 2366 MV**

**GONZALO REVET**

**Defendant.**

**UNOPPOSED MOTION TO CONTINUE NOVEMBER 27, 2017 TRIAL AND  
NOVEMBER 13, 2017 CALL OF THE CALENDAR**

Pursuant to 18 U.S.C. § 3161(h)(7)(A) and *United States v. Toombs*, 574 F.3d 1262 (10th Cir. 2009), comes now Gonzalo Revet, through counsel Edward Bustamante, and respectfully moves this Honorable Court issue an order vacating and resetting the November 13, 2017 Call of the Calendar and the November 27, 2017 trial setting in this matter. Both parties request the matter not be reset for a period of ninety (90) days.

As grounds defense counsel states:

1. Mr. Revet was arraigned on August 15, 2016;
2. Discovery has been provided by the government;
3. Gonzalo Revet is out of custody, working full time and compliant with all pretrial conditions of release;
4. The parties continue to negotiate and reach a settlement acceptable to both the government and Mr. Revet and that process continues in good faith;

5. Gonzalo Revet and the government continue to negotiate in good faith but negotiations have been slowed by the outcome of multiple discovery motion filed in similarly situated cases of which Gonzalo Revet is member;

6. The government and Mr. Revet await the outcome of the rulings in those similarly situated cases and the government has generously represented that should any Article III judge order further discovery in those matters, Mr. Revet will receive such discovery;

7. Gonzalo Revet is part of a class of a defendants the subject of ongoing litigation regarding the propriety of law enforcement targeting predominantly African-American and or minority populations;

8. Mr. Cairns is aware of the litigation and is aware Mr. Revet is a member of the class of defendants able to join the class of litigants;

9. The government's prosecution remains viable based solely on former codefendant Willie Griffin's alleged statements to undercover police;

10. On June 5, 2017, Willie Griffin, the codefendant in this matter was sentenced by this Honorable Court. Mr. Griffin chose not to speak with defense counsel about any of the details, exculpatory or otherwise concerning the allegations against Gonzalo Revet;

11. Defense counsel has since learned through investigation and in speaking with the government that Willie Griffin was released from custody but has since returned to custody based allegedly on a violation of conditions of release;

12. Given the odd posture of this matter from its outset, defense counsel would like an opportunity to confirm if possible, the reason for Mr. Griffin's release and his subsequent return to custody;

13. Investigation aside, defense counsel continues his discussions with Mr. Revet about his choices in this matter and the government does not oppose a continuing the trial setting to allow ample opportunity to explore all legal and factual avenues in this increasingly complex matter;

14. Defense counsel has authority to attempt to settle the matter without trial and in conferring with Gonzalo Revet, he agrees and is requesting this matter be fully litigated and if necessary defense counsel prepare for a possible, eventual trial;

15. The Speedy Trial Act supports a continuance in this matter. The additional time requested is properly excluded and more importantly, gives defense counsel as well as counsel for the government the reasonable time necessary for effective preparation;

16. In discussions with Defendant, he waives his 18 U.S.C. § 3161(h)(7)(A) right to proceed to trial on November 27, 2017 in an effort to settle this matter without the need for trial;

17. As stated above Mr. Revet is compliant with all Pretrial Service conditions, is working and remains in good contact with defense counsel;

18. This motion is not for the purpose of delay;

19. Defense counsel is exercising due diligence in preparing this matter;

20. The ends of justice will be served by the granting of a continuance in this matter;

21. The public and defendant's right to speedy trial on November 27, 2017, are outweighed by the need to complete plea negotiations that will likely avoid trial and preserve scarce judicial resources;

22. The parties respectfully request the matter not be reset for a period of ninety (90);

23. Based on the party's ongoing communications in this matter Norman Cairns, Assistant United States Attorney; does not oppose this motion;

Based on the above, defense counsel respectfully moves the Court to vacate and reset the November 13, 2017 Call of the Calendar and the November 27, 2017 trial date and respectfully requests the matter not be reset for ninety (90) days beyond the November 27, 2017 trial date.

Respectfully submitted by

/s/

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This certifies a copy of this motion was electronically sent to Norman Cairns, AUSA on June 29, 2017.

/s/

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*EDWARD O. BUSTAMANTE*